MILTONVALE PARK

Community Improvement Committee

OFFICIAL PLAN

for

LAND USE

1981

QUEENS COUNTY

PRINCE EDWARD ISLAND

MILTONVALE PARK OFFICIAL PLAN

ADDENDUM

A. Community Undertakings (pp. 4 and 5)

6. Take appropriate measures to ensure that industrial development which occurs will not have detrimental effects on the Community or the environment.

7. Take appropriate steps to protect the long-term option of major transportation/industrial development in the Royalty Junction areas.

8. Encourage tourist related development in high quality areas.

9. Encourage the co-ordinated expansion of the sewer and water systems with the urban development of the catchment areas as indicated on maps 6.1 and 6.2.

10. Recognize the fire fighting limitations of certain areas when considering development which could require a sustained high level of fire fighting.

11. Recognize the space requirements and future expansion possibilities of Holland College - Royalty Centre, University of P.E.I., Charlottetown Rural High School, the Agriculture Canada Experimental Farms in Charlottetown and West Royalty, and the Beach Grove area.

PLAN REVIEW

The Miltonvale Park Official Plan for Land Use is viewed as flexible and adaptable as conditions change, while the underlying principles reflect sincere desires on the part of residents.

The Plan will be reviewed in February, 1983.

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INTRODUCTION

In 1979, the Community Improvement Committee of Miltonvale Park initiated a course of action for the preparation of an Official Land Use Plan. On June 20, 1975, the Committee established the Miltonvale Park Planning Board and assigned it with the responsibility to prepare the Plan. The general purpose of the Planning Board was to establish guidelines that would help direct proper land use development in the community.

On May 17, 1979, the Lieutenant-Governor-in-Council approved the Miltonvale Park Community Improvement Committee Interim Planning Policy. The purpose of the Policy was to give community direction in the development of Miltonvale Park while the Official Plan was being prepared. Community direction was given through minimal guidelines for, and public involvement in, decisions pertaining to subdivision and building. After a six-month extension was given, the Interim Planning Policy expired on May 26, 1980.

The third major event leading up to preparation of the Land Use Plan was the community survey. The Planning Board felt it necessary to survey resident opinions on land use issues. Questionnaires were delivered to households in the community and more than 125 responded. The Planning Board tabulated and analyzed the answers which helped to form the basis of the aims and policies of the Land Use Plan.

PURPOSE OF THE LAND USE PLAN

A typical land use plan is a document which sets out the framework for orderly growth and development within a community. The community of Miltonvale Park is attempting to establish a framework for physical development to occur that will complement the physical, social, and economic features of the community.

The major purposes of the Land Use Plan are as follows:

1. to develop a comprehensive statement of community policy for the future development and management of land in the community by preparing and adopting land use guidelines and regulations;

2. to provide for public involvement in evaluating proposals;

3. to indicate to the province community aims and policies so regional and provincial actions will complement local objectives.

MILTONVALE PARK

COMMUNITY IMPROVEMENT COMM.

MAP #1 - PLANNING AREA

PREPARATION OF PLAN

This report has been prepared through a four-stage program with the assistance of the Department of Community Affairs.

The identification of local problems and their solutions has determined long-term, comprehensive policy recommendations to guide development.

The four stages in the study process were as follows:

1. Inventory

   From collected information, mapping, and the community survey, all relevant information was reviewed and the findings condensed into a general inventory.

2. Analysis and Evaluation

   Key issues were identified from the community survey and public meetings and alternatives evaluated for dealing with the issues.

3. Judgement

   Broad community land use objectives were outlined, key issues resolved, special problems examined, including current development initiatives; policy statements developed for future land use reflecting both a local and regional perspective.

4. Implementation

   Strategy for implementation was developed that included preparation of land use guidelines and regulations, and a system for administering the plan.

COMMUNITY AIMS

The community has seven basic aims for land development. These aims are derived from what were identified as the social, economic and environmental concerns of the community related to land use. The community aims to:

1. provide the community with the opportunity to (a) guide land development within its boundaries and (b) involve the public. The community survey revealed the need to provide some direction in land development to ensure new developments are compatible with each other and with existing land uses; e.g., residential and agriculture.

2. promote commercial, industrial, and residential growth in a manner that minimizes negative social and environmental impacts. It is to the economic advantage of Miltonvale Park to encourage a certain amount of growth. However, the secondary effects of development should be considered. The location of a new industrial plant in the community will affect land use decisions for adjacent properties. The community suggests that all development should be planned to complement the existing residential, commercial, industrial, and agricultural areas. Principles for complementary and compatible adjacent land uses should be promoted.

3. promote agriculture in a manner that minimizes negative social and environmental impacts. The continued importance of agriculture to the community requires growth in the industry. However, the proposed intensive livestock operation will affect land use decisions for adjacent properties. For environmental and land value reasons, the community survey identified the need for a minimum distance between the location of a new livestock operation and an existing home. The community should promote environmental and land use principles that will encourage agriculture development, and still maintain harmony between agriculture and other activities of the community.

4. protect property values by ensuring land uses are complementary and compatible by limiting negative social and environmental impacts.

5. help provide for some of the social, economic and physical needs of residents by ensuring adequate land is available for residential, agricultural, commercial, industrial, and recreational development. The majority of residents responding to the community survey feel commercial and industrial activities should be concentrated in one area.

6. promote safe and efficient travelling routes by setting conditions for access location, number of accesses along roads, the nature and change of access use. A majority of residents responding to the community survey felt that on Highway #2, a provincial arterial highway, the provincial road access regulations should at least be maintained. Those regulations permit new accesses for residential use on parcels over 10

acres, subdivisions of more than 5 lots, or 1 lot using the existing farm driveway.

support and adopt the Charlottetown Area Regional Plan Guidelines as proposed by the Charlottetown Area Regional Planning Board and outlined in the following section.

CHARLOTTETOWN AREA REGIONAL PLAN GUIDELINES

Introduction

The following Regional Plan Guidelines are an expression of joint municipal concerns which provide the basis for action or activity through the Charlottetown Area Regional Planning Board. Insofar as is possible, they have been designed to respect a balance between the need for joint discussion and community autonomy in decision-making. At the same time, the Guidelines respond to a need to make technical resources available as an input to municipal decision-making, where municipalities as individuals could not afford or make efficient use of them.

The Guidelines are divided into three sections. The first, Community Undertakings, represents certain agreements respecting joint and uniform action. At the same time, some flexibility remains for local interpretation of circumstances. The second, Analysis and Advice, provides the vehicle for the Board to assist the communities in evaluating specified types of applications for development. The third section, Co-ordination, lists the areas where the Board would act as a coordinator on behalf of the communities, in seeking solutions to development problems.

A. COMMUNITY UNDERTAKINGS

1. *Continue to use the Charlottetown Area Regional Planning Board as a vehicle for negotiations with government and other agencies and for advice and assistance as detailed in these Guidelines.*

2. *Endeavour to take steps where necessary to modify Official Plans and Bylaws to be in general agreement with these Guidelines. Detailed definition of areas and phasing of various actions should be made at that time.*

3. *In urban or suburban areas, residential access to Regional Roads should be by means of local roads and not by individual private driveways. Commercial, institutional and industrial access to Regional Roads in these areas should be kept to a minimum. Service roads should be used where possible. In addition, to attempt to prevent development of any new*

access points on to the Perimeter Arterial.

4. *In rural areas, attempt to balance agricultural development, residential development and transportation requirements by considering that:*
   -residential access to Regional Roads should be spaced no closer than one per 660 ft. or longer as sight distances require
   -residential development should only take place in non-agricultural areas or as small subdivisions of five or fewer lots
   -agricultural related industry should be promoted in appropriate locations.

5. *Endeavour to establish methods of controlling the location of pits and construction or maintenance stock piles.*

B. ANALYSIS AND ADVICE

The following policy guidelines outline the matters or development applications that would be referred to the Board for analysis and advice:

1. *Requiring the extension trunk central water and/or sewerage services into previously unserviced areas.*

2. *Regional commercial developments, which are deemed to be those greater than 50,000 sq. ft. (4, 645 sq. meters) of Gross Leasable Area (3 acres of land).*

3. *Regional industrial developments which are deemed to be those which produce either an air or water borne effluent other than domestic sewage or which have a gross floor area of more than 50,000 sq. ft. (4,645 sq. meters), or which employ more than 50 people or entail more than 3 acres of land.*

4. *Future development or redevelopment of the CNR lands on the Charlottetown waterfront.*

5. *Applications for subdivision or application for non-residential development in non-serviced areas. (Analysis would not be provided for single family homes on existing approved lots unless special circumstances warrant it.)*

6. *Applications for the development of pits or construction or maintenance stockpiles.*

7. *Any other application for a development permit, subdivision approval or any other matter upon which the council wishes advice.*

8. *Recommendations made by the Board will be made on the basis of a simple majority vote.*

C. Co-ordination

1. *The effects of development on the environment should be known and steps taken to ensure development is in harmony with the environment of the region. Specifically, procedures will be established which include steps to ensure that:*
   -development activity includes adequate erosion control measures;
   -ground water supplies are not contaminated or depleted by excessive ground water withdrawal;
   -local infiltration of run-off is provided for;
   -septic waste is disposed of in a safe and efficient manner.
   In addition, attempts will be made to increase the level of inspection to ensure established procedures are followed during construction and installation of septic tank and tile field systems.

2. *Promote the management of the region's forests as a valued renewable resource, specifically by:*
   -promoting better woodlot management;
   -recognizing the value of forests as factors in environmental protection;
   -encouraging re-forestation in areas where high run-off and erosion are problems.

3. *Industrial development activities in the region should focus on having existing industrial areas more fully utilized.*

4. *Attempt to ensure that water utility systems are capable of supplying potable water in sufficient quantity and quality, at a reasonable cost and without endangering natural supplies at the well fields. Specifically, areas*
   -considering the feasibility of a joint solid waste collection system;
   -continuing to monitor the performance of the Seven Party Landfill Agreement.

5. *Attempt to ensure the Region is adequately served with systems to collect, treat and dispose of sanitary wastes in accordance with acceptable environmental standards, public health practice, and financial acceptability. Specifically, areas which may be pursued include:*

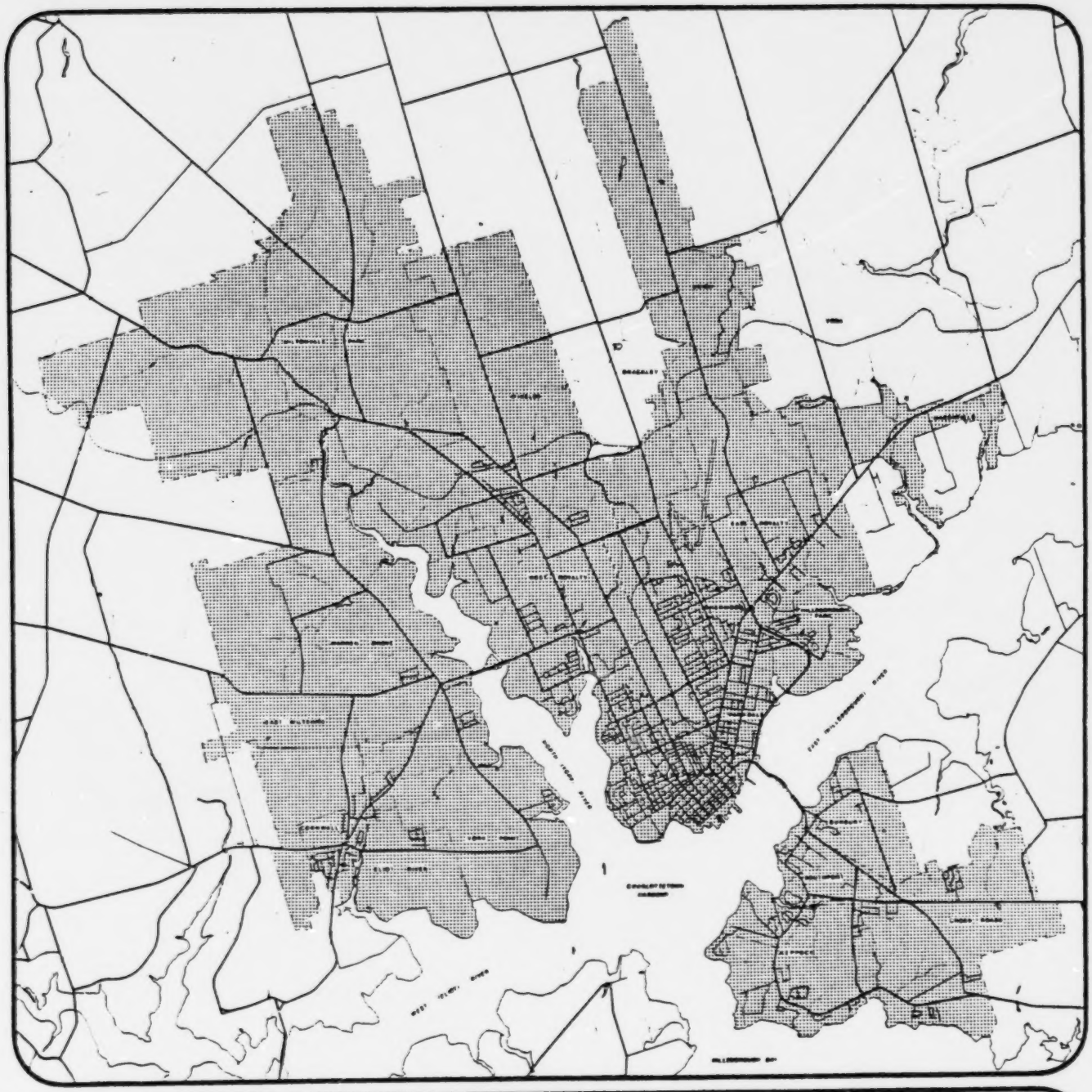
-encouraging the orderly expansion of systems where need is shown within the service boundary shown on Map 6.2;
-determining the need and advisability of financial integration of the sewerage systems in the Region;
-encouraging the use of alternative waste disposal techniques on a pilot project basis.

6. *Ensure that the collection and disposal of solid waste is undertaken in a manner which will be economical and produce a minimum of environmental impact and community disruption. Specifically, areas which may be pursued include:*
-negotiating for the final disposition and development of the East Royalty landfill site as a regional recreation resource;
-examining the feasibility of alternative methods of solid waste disposal and establishing a new facility in co-operation with the provincial Department of Community Affairs prior to the closing of the existing landfill site;
-considering the feasibility of a joint solid waste collection system;
-continuing to monitor the performance of the Seven Party Landfill Agreement.

7. *Ensure that the region is provided with reliable power and communication systems at an acceptable cost and with a minimum of environmental and community disruption. Specifically, areas which may be pursued include:*
-working with the private utilities to phase extensions and improvements with residential growth;
-assisting in the co-ordination of transportation improvements and required utility relocation;
-working with Maritime Electric in an attempt to minimize the disruptive effects of transmission lines, power substations and the generating station;
-assisting in encouraging the use of common rights-of-way including underground conduits, where feasible;
-monitoring development activity on a continuing basis to ensure utility expansion matches development activity.

8. *Promote the co-ordination of community services with existing and future demands. Specifically, areas which may be pursued include:*
-securing formalized co-operative agreements among fire departments within the region;
-assisting in the determination of the most suitable uses for surplus health care facilities in the region;
-suggesting, in consultation with the Unit 3 School Board, the most suitable locations for new education

facilities and ensuring the development of these facilities is synchronized with residential growth;
-assisting in co-ordinating the provision of parks and recreation facilities which can become part of a physical integrated open space system.



Map I.1 THE CHARLOTTETOWN REGION

CHARLOTTETOWN AREA DEVELOPMENT GUIDELINES

SCALE:

MILES

METRES

ACRES

NORTH

PREPARED BY: DATE

CHARLOTTETOWN AREA REGIONAL PLANNING BOARD

Map 3.1 DEVELOPMENT CONCEPT

- REGIONAL ROADS
- URBAN AREAS
- SUBURBAN AREAS
- RURAL AREAS
- REGIONAL COMMERCIAL
- REGIONAL INDUSTRIAL
- REGIONAL INSTITUTIONAL
- REGIONAL RECREATIONAL

CHARLOTTETOWN AREA DEVELOPMENT GUIDELINES

SCALE:

MILES

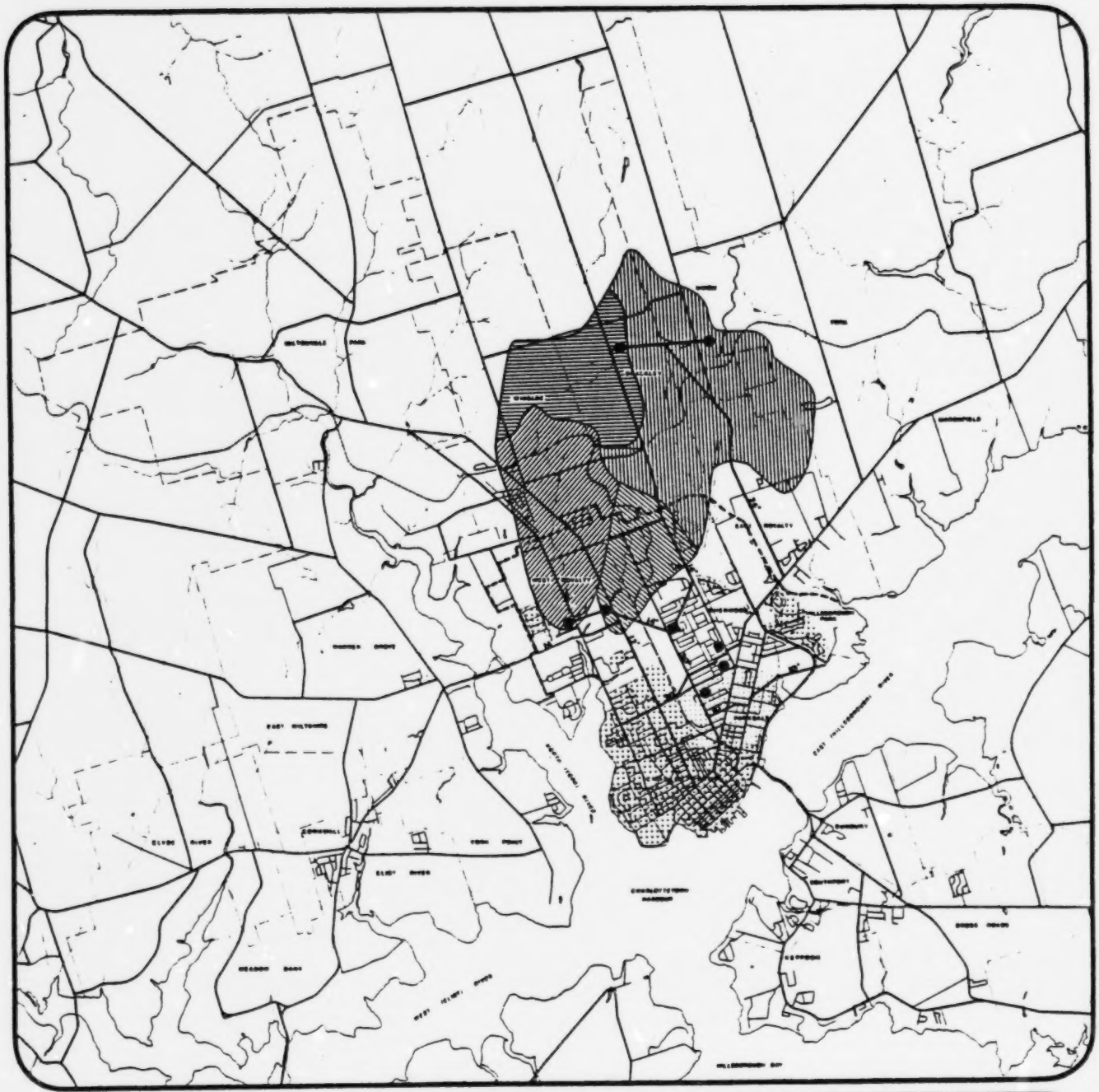
METRES

ACRES

NORTH

PREPARED BY: CHARLOTTETOWN AREA REGIONAL PLANNING BOARD

DATE



Map 6.1 TRUNK WATER SYSTEM

- WELLS
- RESERVOIRS
- PARKDALE SERVICE AREA
- COSAWS SERVICE AREA
- WELL CATCHMENT AREAS
- TRUNK LINES
- SERVICE BOUNDARY

CHARLOTTETOWN AREA DEVELOPMENT GUIDELINES

SCALE:

MILES

METRES

ACRES

NORTH

PREPARED BY: DATE

CHARLOTTETOWN AREA REGIONAL PLANNING BOARD

Map 6.2 TRUNK SEWAGE SYSTEM

—— TRUNK SEWER LINES

■ MAJOR PUMPING STATION

● SEWAGE TREATMENT

----- CATCHMENT AREA BOUNDARY

CHARLOTTETOWN AREA DEVELOPMENT GUIDELINES

SCALE:

MILES

METRES

ACRES

NORTH

PREPARED BY: DATE

CHARLOTTETOWN AREA REGIONAL PLANNING BOARD

Map 6.4 TRUNK TELEPHONE SYSTEM

- EXCHANGE BOUNDARY
- SWITCHING CENTRE BOUNDARY
- SWITCHING CENTRE
- MAIN FEEDER ROUTES
- SUB-FEEDER ROUTES
- EXTENDED AREA SERVICE LINES

CHARLOTTETOWN AREA DEVELOPMENT GUIDELINES

SCALE.

MILES

METRES

ACRES

NORTH

PREPARED BY: DATE

CHARLOTTETOWN AREA REGIONAL PLANNING BOARD

Map 7.1 EDUCATIONAL FACILITIES

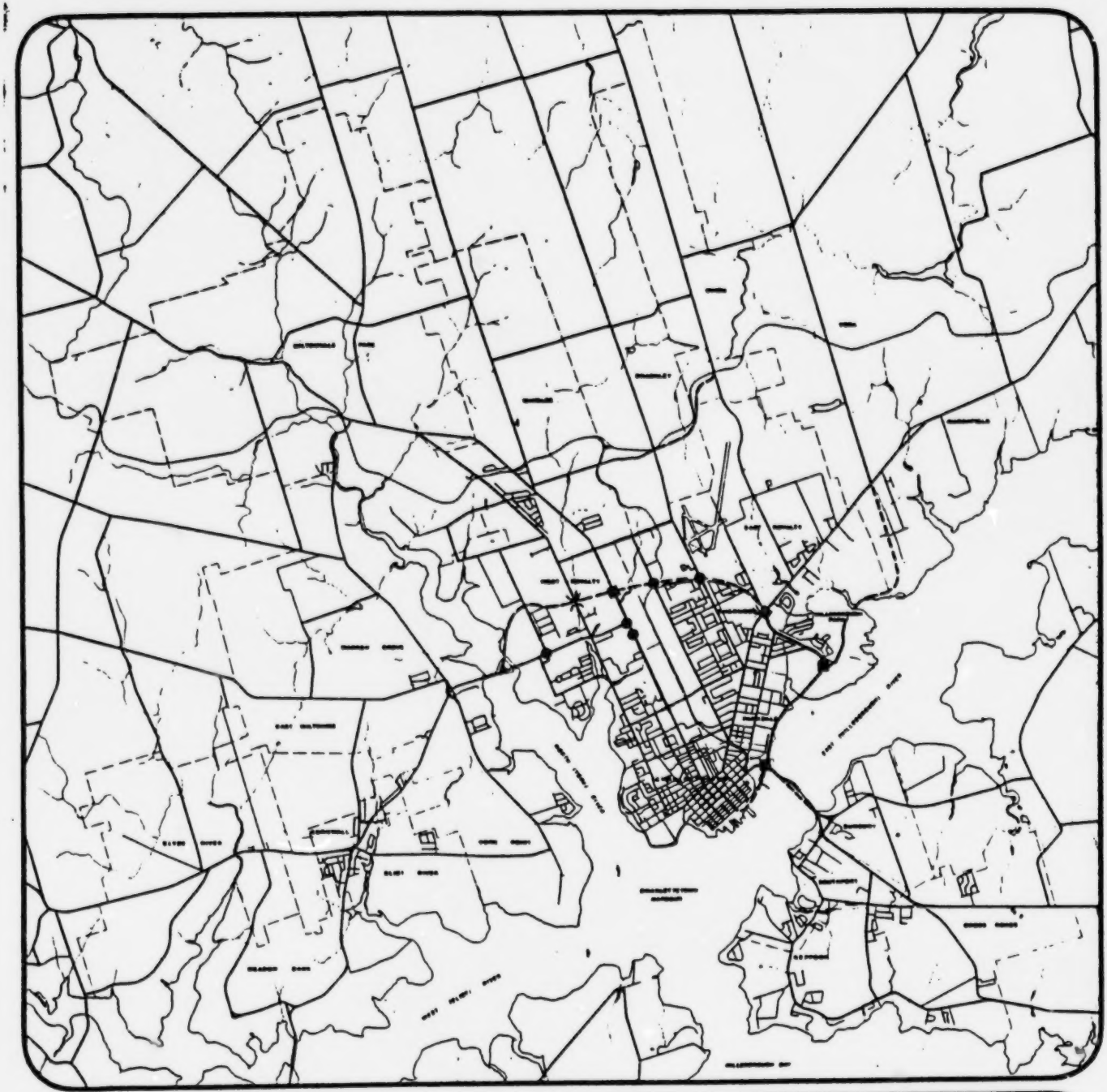
- ELEMENTARY SCHOOL
- JUNIOR HIGH SCHOOL
- SENIOR HIGH SCHOOL
- FUTURE ELEMENTARY SCHOOL
- FUTURE JUNIOR HIGH SCHOOL
- SENIOR HIGH SCHOOL BOUNDARIES
- POST SECONDARY INSTITUTIONAL

CHARLOTTETOWN AREA DEVELOPMENT GUIDELINES

SCALE:

PREPARED BY: DATE

CHARLOTTETOWN AREA REGIONAL PLANNING BOARD



Map 8.1 HIGHWAY IMPROVEMENTS

- NEW CONSTRUCTION
- IMPROVEMENTS
- NEW SIGNALS
- SIGNALS WITH PLANNED INTERCHANGE
- OVERPASS (NO ACCESS)
- INTERSECTION IMPROVEMENTS
- GRADE SEPARATION

CHARLOTTETOWN AREA DEVELOPMENT GUIDELINES

GOALS.

MILES

METRES

ADMIN

NORTH

PREPARED BY: DATE

CHARLOTTETOWN AREA REGIONAL PLANNING BOARD

GROWTH MANAGEMENT CONSIDERATIONS

The purpose for a land use plan is to provide a community with direction in how it will deal with or manage growth. Some communities experience more growth than others. The faster a community is growing or the faster land uses change, the more strict or rigid rules and regulations might be required to manage the growth. Consequently, Miltonvale Park must consider the rate, kind, and location of growth that is occurring before it decides what rules and regulations are required. Following is an analysis of type and rate of land development in Miltonvale Park over the last ten years.

Two main elements have been examined with respect to growth in Miltonvale Park:

A. Actual Physical Growth

B. Physical Services

A. Actual Physical Growth

Growth in the Miltonvale Park Community Improvement Area has primarily been of the residential type. Table 1 indicates that over the past ten years the community has averaged about six (6) building permits per year. The peak period was 1977-78 with ten (10) permits. Residential development in the form of mobile homes occurred at a rate of 3 permits per year. Compared to residential building activity in other areas of the Charlottetown Area (Table 2), growth in Miltonvale Park has generally been slower.

Next to residential development, farm related development occurred at a greater rate than other activities such as commercial and industrial development. Commercial development during the 1970 to 1980 period was limited to a ceramic studio and shop, an automobile repair shop and commercial storage building. Like commercial land use development, industrial development has also been limited. Recently, a permit to build and operate a steel fabrication plant was approved.

Physical development over the past ten years has occurred in six different areas of Miltonvale Park, mainly in the form of strip development along some roads (Map 1). The areas are: (1) near the intersection of the Crabbe Road and Highway #2, (2) along the east side of the Loyalist Road, (3) near the intersection of Highway #2 and the Lower Malpeque Road, (4) the Sleepy Hollow area, (5) the Lower Malpeque Road, and (6) the west side of Highway 248. It is in these areas where immediate future development is expected to locate.

B. Physical Services

As a result of physical growth related to residential development, greater demands will be made on physical services in the

BUILDING PERMITS - MILTONVALE PARK

1970 TO DATE

TABLE #1

YEAR	S.F.D.	MOBILE	DUPLEX	COMMER-CIAL	REMODEL	INSTITU-TIONAL	ADDITION	GARAGE & STORAGE	RELOCATE	INDUSTRIAL	FARM USE	TOTAL
1970-71	3	0	0	0	1	0	0	0	0	0	2	6
1971-72	6	1	0	0	0	0	2	0	1	0	2	12
1972-73	6	2	0	1	1	0	2	1	0	0	0	13
1973-74	4	5	0	1	3	0	1	2	1	0	1	18
1974-75	7	1	0	0	0	0	2	2	2	0	2	16
1975-76	6	5	0	1	3	0	3	3	1	0	3	25
1976-77	5	3	0	0	0	0	1	2	0	0	1	12
1977-78	10	2	0	1	0	2	4	5	0	0	2	26
1978-79	5	6	1	0	0	0	1	1	1	0	3	18
1979-80	4	3	0	0	1	0	1	3	1	1	2	16
TOTAL	56	28	1	4	9	2	17	19	7	1	18	162

TABLE #2

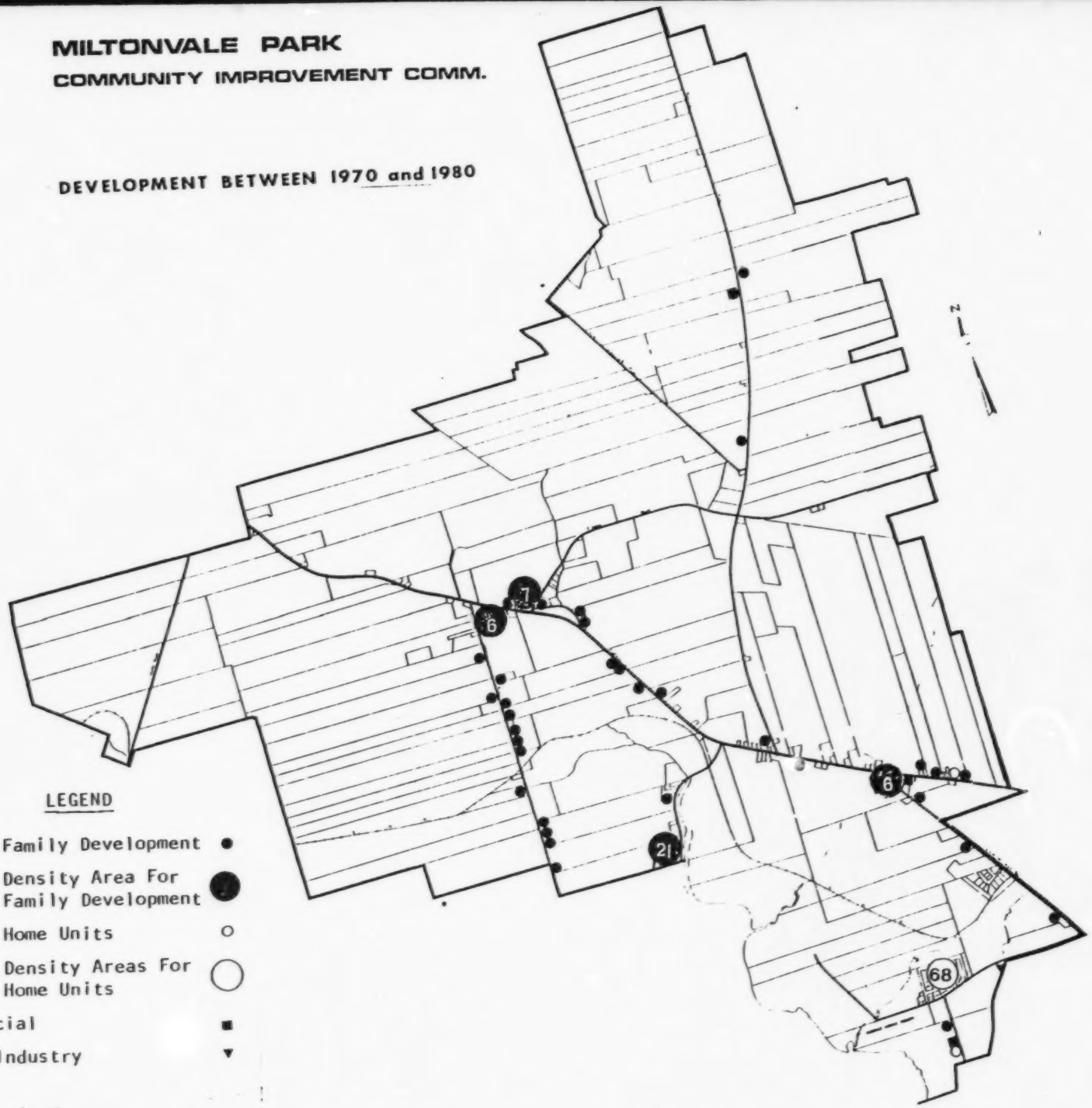
Residential Building Activity Charlottetown Area 1970 - 1978:

Place	1970	1971	1972	1973	1974	1975	1976	1977	1978	TOTAL
Crossroads	NA	NA	13	17	46	44	29	39	21	209
Bunbury/Southport	16	18	38	35	79	47	30	40	48	351
Keppoch/Kinlock	NA	NA	2	7	17	3	16	17	14	76
Charlottetown	159	134	78	113	67	39	11	9	11	621
Parkdale	12	7	7	2	4	30	7	7	4	80
Hillsboro Park	NA	NA	44	86	8	0	0	0	16	154
East Royalty	2	11	26	12	50	25	34	80	14	254
Sherwood	47	93	78	112	86	64	50	63	35	628
West Royalty	6	2	8	19	46	40	26	43	23	213
North River Area	NA	NA	10	16	21	10	-	2	13	72
Cornwall	16	11	26	24	37	23	32	31	35	235
Winsloe	7	9	15	22	12	14	12	9	40	140
TOTAL	265	285	345	465	473	339	247	340	274	3,033

MILTONVALE PARK

COMMUNITY IMPROVEMENT COMM.

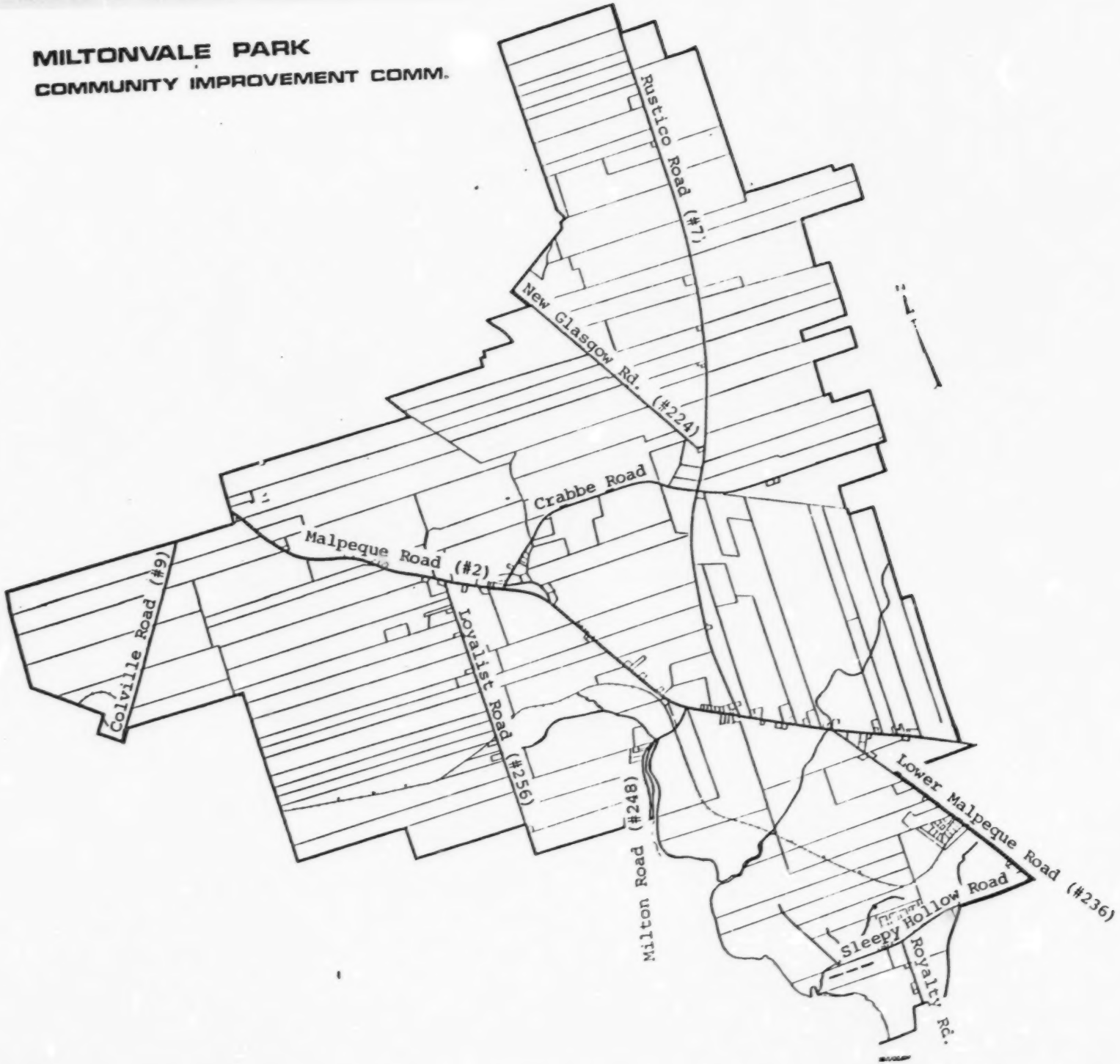
DEVELOPMENT BETWEEN 1970 and 1980



LEGEND

- Single Family Development
- Higher Density Area For Single Family Development
- Mobile Home Units
- Higher Density Areas For Mobile Home Units
- Commercial
- Light Industry

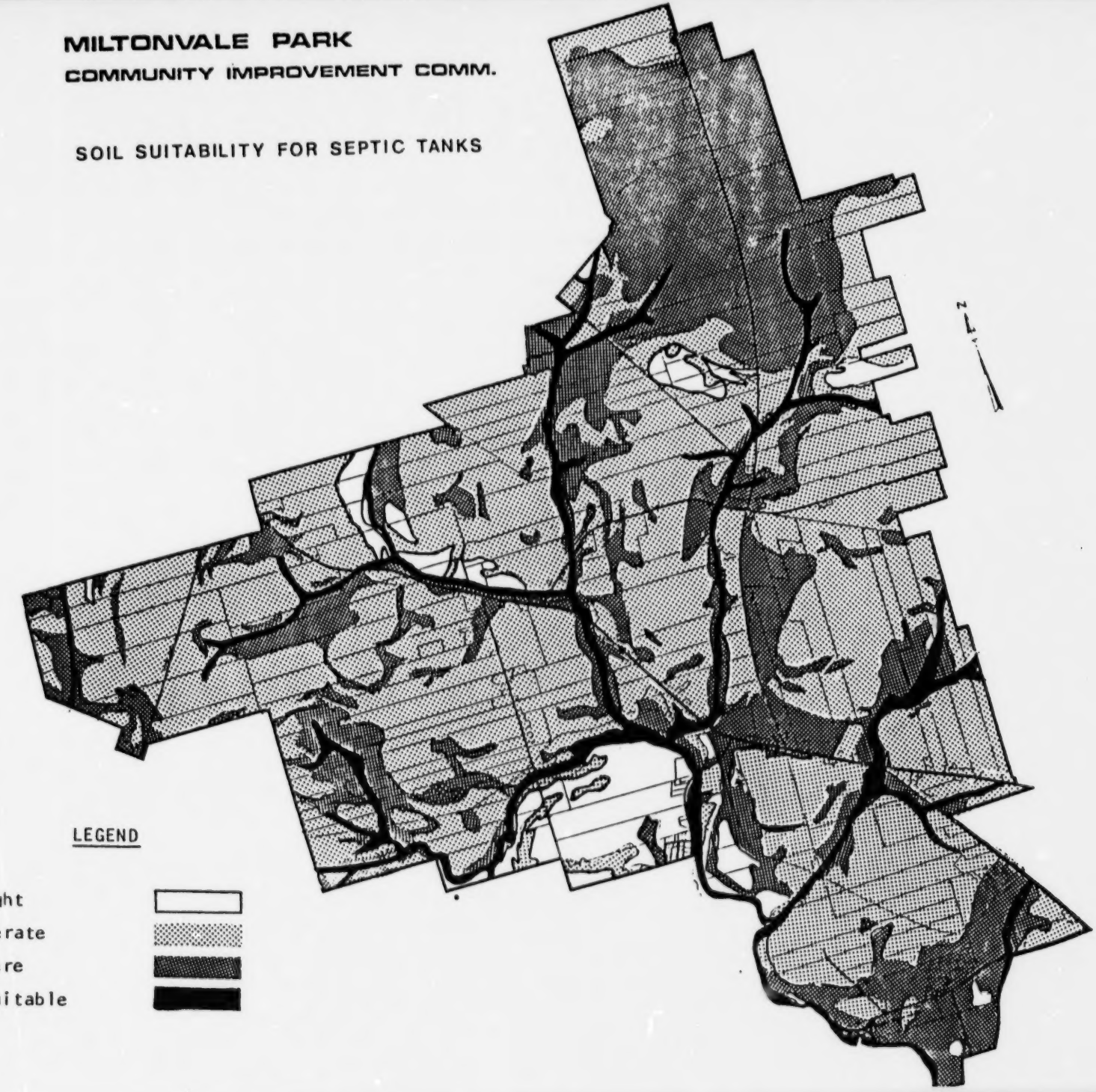
MILTONVALE PARK
COMMUNITY IMPROVEMENT COMM.



MILTONVALE PARK

COMMUNITY IMPROVEMENT COMM.

SOIL SUITABILITY FOR SEPTIC TANKS



community such as roads and sewage disposal.

Road Networks. There are eight (8) roads in the Miltonvale Park area. Highway #2 and the Rustico Road serve the greatest amount of traffic; one is a provincial arterial route and the other handles traffic to the P.E.I. National Park. The need related to road networks is to provide safe and efficient travel through the community by locals and visitors. Some strip development along the roads has hindered safety and efficiency, especially the portion of Highway #2 from the intersection of the Lower Malpeque Road to Highway 248. In order to maintain the present efficiency of Highway #2, strict regulations to limit development will be required.

Sewage Disposal. A matter of importance to communities is the question of whether or not it will require a municipal sewer system at some point in time. Miltonvale Park like many rural settlements has developed with a very low density, and this has contributed to lessening the need for a municipal sewer system in any area of the community. Large lots and efficient septic systems is viewed as the requirement to prevent the need for a municipal sewer system becoming a reality and to accommodate future growth in Miltonvale Park.

POLICIES FOR LAND USE

The policies for land use in Miltonvale Park are presented in this section and have been divided into six categories:

A. General Development

B. Agricultural Land Use

C. Residential Land Use

D. Commercial and Industrial Land Use

E. Institutional and Recreational Land Use

F. Natural Areas

A. General Development

The following general development policies are intended to provide a method for the policies in the following sections. They are designed to improve administrative efficiency and to reduce administrative burdens on the Community Improvement Committee. Methods of implementation for this category are described below.

POLICY #1: All development proposals shall be submitted to the Chairman or Clerk of the Community Improvement Committee or Property Development Officers of the Department of Community Affairs.

Method of Implementation. Before any building permit is issued and before any subdivision is approved, the following conditions must be met:

For Building Permits

(a) an application and diagram;

(b) soil and drainage conditions are suitable to permit the proper siting of buildings, septic tank, and tile field;

(c) suitable arrangements are made for private well, septic tank, and tile field;

(d) no traffic hazards will develop because of excessive traffic generation or limited sight distance of new accesses;

(e) the land fronts on a public road.

For a Subdivision Approval

(a) a preliminary plan will be required with an application to subdivide;

(b) the preliminary plan will show:

(i) the shape and dimensions of the lot or lots,

(ii) the location of every existbuilding or structure on the parcel to be subdivided,

(iii) the name and signature of the landowner or the name and signature of the applicant, if not the owner,

(iv) proposed width and location of all streets and roads.

For Building Permits and Subdivision Approval

(a) if a problem with the drainage of the area or capability of the land for septic tank use, contours and/or spot elevations is suspected, an indication of general soil conditions and a soil test(s) of the site may be required;

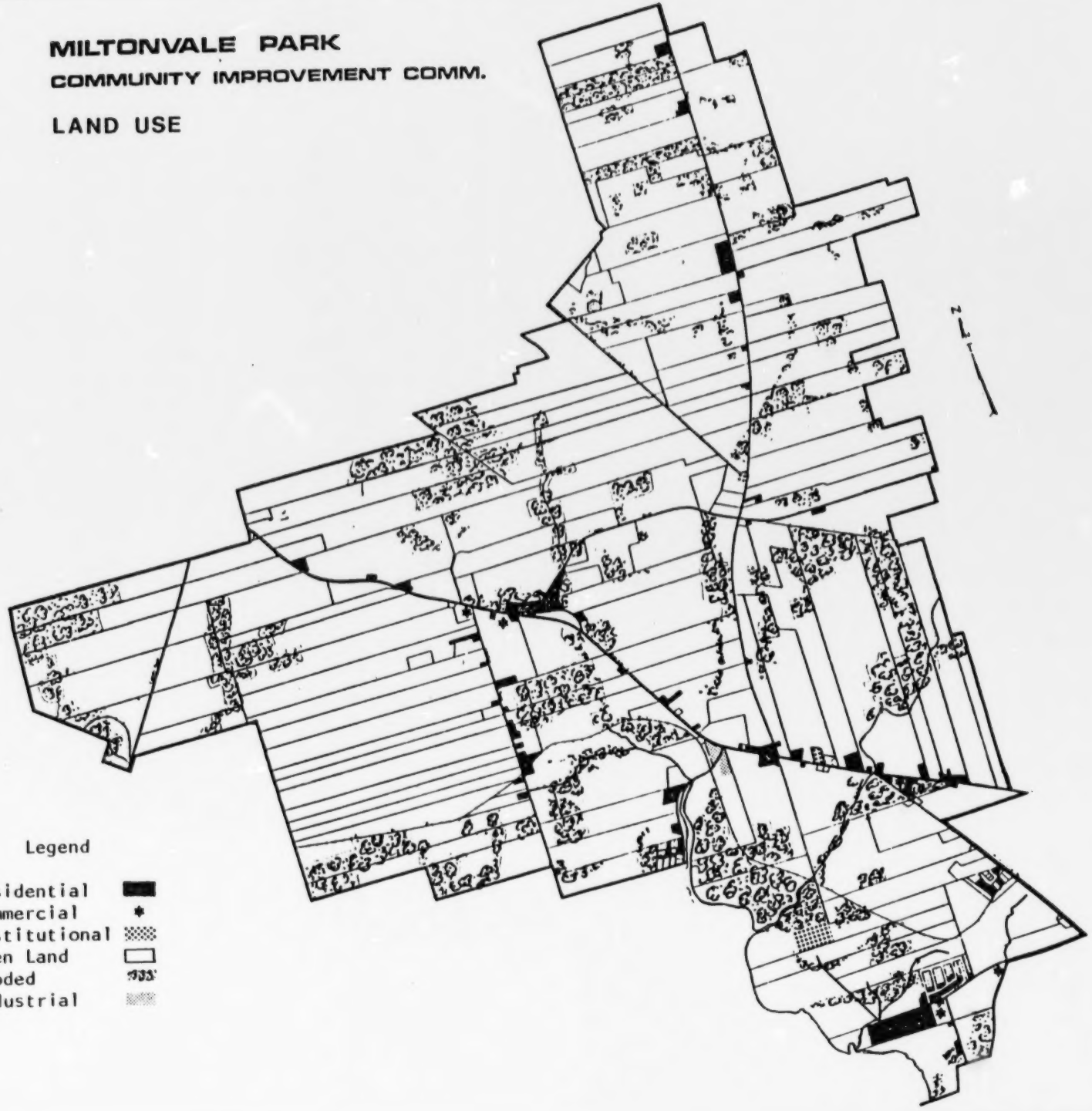
(b) an orthophoto indicating the location of the proposed building site or subdivision must also be supplied with the preliminary subdivision plan.

POLICY #2: It is the Community Improvement Committee's policy to direct some building permit applications, and

MILTONVALE PARK

COMMUNITY IMPROVEMENT COMM.

LAND USE



applications to subdivide to the Charlottetown Area Regional Planning Board. It will be the Regional Board's responsibility to review an application and make recommendations to the Committee.

Method of Implementation. The Clerk of the Community Improvement Committee will review the building permit of subdivision application, and refer the application to the Charlottetown Area Regional Planning Board and appropriate government department; e.g., Community Affairs, Highways, when technical advice is required.

POLICY #3: It is the community's policy to involve the public and adjacent landowners when considering a building permit for a major development. A major development is (a) a subdivision of three to five lots; (b) all commercial or industrial buildings (excluding agricultural buildings); (c) an intensive livestock operation; (d) a mobile home court; and (e) any development which in the opinion of the C.I.C. may occasion a general nuisance by way of pollution, excessive traffic, noise or other disturbance.

Method of Implementation. The Clerk shall refer all major development proposals to the Community Improvement Committee for a decision. The Committee will notify adjacent landowners of the proposed major development and request comments. A public meeting may be called at the discretion of the Committee to hear comments supporting or objecting to a proposed major development.

POLICY #4: It is the policy of the Community Improvement Committee to advise the applicant, in writing, within 30 days from receiving the application whether it is approved, approved with conditions, deferred for a period not exceeding 60 days, or refused.

Method of Implementation. It will be the responsibility of the Community Improvement Committee to notify applicants, as required in the above policy, giving reasons for deferral.

POLICY #5: All decisions made under the regulations of this plan can be appealed to the Land Use Commission within 45 days of the date of the decision.

Method of Implementation. Appeals are usually made in writing to the P.E.I. Land Use Commission, and a date to hear the appeal is set by the Commission.

B. Agricultural Land Use

Miltonvale Park has been described as

primarily an agricultural community. The preservation of agricultural land is important,but does not mean preventing new developments from occurring; e.g., a steel fabrication plant. The requirement is to ensure new developments not related to agricultural land use are compatible with neighbouring uses. For example, since it is an agricultural community, proposals for intensive livestock operations should be expected. Conflicts that have surfaced when residential developments encroach upon agricultural buildings or vice versa have caused concern in some Island communities including Miltonvale Park. The community's policy on agricultural land use is as follows:

POLICY #1: The use of agricultural land for residential use shall be limited by establishing the 10-chain rule along roads that are not designated for more dense development. The intent of this policy is to permit residential development, but to limit its density.

POLICY #2: It is the community's policy to require a building permit for the construction of any farm building.

The community survey indicates the community would support a minimum distance between the location of a new intensive livestock operation and an existing home. Therfore, a policy on the location of such operations is seen necessary for two major reasons (a) environmental, and (b) land values.

POLICY #3: It is the Community's policy to require a minimum distance of 300 feet between a new intensive livestock operation and an existing residence or a new residence and an existing livestock operation.

The potential for intensive livestock operations to cause environmental problems can be great when the operations are subject to mismangement or improper design. Although some residents feel one should become familiar with the farming community before moving, and should put up with the odour, the farmer must do what he can to limit any environmental or nuisance problem created by his operation.

POLICY #4: It is the community's policy to encourage developers of intensive livestock operations to follow the guidelines of the Department of Agriculture. The general purpose is to get various land uses in the agricultural community to exist in harmony or with as little conflict as possible.

The community recognizes the possible

negative environmental and social impacts a major development of agricultural land might have on adjacent properties. Consequently, the Community Improvement Committee views the involvement of adjacent landowners as essential when deciding any major development of agricultural land.

POLICY #5: It is the policy of the community to notify residential property owners within 1,000 feet of a proposed intensive livestock operation and to request comments on the development proposal. In the case where a residential subdivision is proposed, intensive livestock operators within 1,000 feet of the proposal will be notified and comments requested.

In general, agricultural land is of prime importance to Miltonvale Park and when it is converted to another land use, it is the community's responsibility to try to ensure the change in use is a harmonious change.

C. Residential Land Use

The following policies are intended to provide a basis for directing new residential development in the community.

POLICY #1: The community will direct residential development in three areas--Sleepy Hollow, Springvale, specifically the Loyalist and Crabbe Roads; and in South Milton, the Lower Malpeque Road and the Mill Road or Highway 248. The future direction of residential development in these areas is reflected in past and present trends.

POLICY #2: Residential development will be permitted in rural areas, especially development that is compatible with the agricultural areas, and is 300 feet from any intensive livestock operation.

POLICY #3: Residential development will occur on lots of adequate size to accommodate efficient sewage disposal through individual septic systems and private water supplies. The community requires a single family dwelling lot size of 20,000 square feet minimum, and a duplex lot size of 30,000 square feet minimum.

POLICY #4: Subdivision size will be limited to one to five lots and where compatibility with adjacent landowners is to be achieved, the community may require a buffer zone around the perimeter of the subdivision.

POLICY #5: Where new subdivisions are being developed, the developer will be responsible for servicing the subdivision; that is, develop the roads. All subdivision roads must be built to Department of Highway standards.

POLICY #6: Where a subdivision is developed within an agricultural area, livestock operators within 1,000 feet are to be notified.

POLICY #7: Mobile homes will be considered a single family dwelling and permitted to locate anywhere in the community within the regulations of this Plan. Mobile homes will be permitted in residential subdivisions, but at the approval of the landowners of the subdivision.

D. Commercial and Industrial Land Use

The community survey results show that many residents thought one area should be selected for commercial and industrial land use activities, and others thought those activities should not be concentrated in one area. Although some degree in difference of opinion exists, the community is willing to view some types of commercial and industrial development as a positive dimension of community development. The following are the community's policies on commercial and industrial land uses.

POLICY #1: It is the community's policy to promote the concentration of commercial and industrial development in the general area of the old fertilizer plant and the new location of Charlottetown Metal Products.

The recent building of a steel fabrication plant near the old fertilizer plant, the feature of the railway and good access to an arterial route of the province makes the area vulnerable to future industrial growth. The promotion of this general area for commercial land use development will complement the industrial activities. The area is in the general vicinity of one of the more developed areas of Miltonvale Park.

The major emphasis of community policy is on promoting non-polluting commercial/industrial opportunity which is compatible with the environment and rural life styles. Ensuring commercial and industrial development happens in a proper manner is more important to the community than the segregation of land uses (zoning).

POLICY #2: It is the community's policy not to segregate an area for commercial and industrial activities, but permit this form of development in all areas of the community, providing they complement and are compatible with existing land uses.

POLICY #3: It is the community's policy to judge each commercial and industrial development proposal on its own merits. Judgements will be based on (a) the type of commercial or industrial development, (b) appropriate lot sizes, (c) adequate parking facilities, (d) safe and efficient

accesses to roads, (e) impact on environment, (f) impact on general traffic conditions, and (g) whether or not a general nuisance will be created.

POLICY #4: The community considers all commercial (except for residential commercial) and industrial developments to have potential impacts that may substantially change the nature of Miltonvale Park. Therefore, it is the community's policy to consider all commercial and industrial developments as major developments, and involve adjacent landowners and the public in the decision-making process.

POLICY #5: The community considers excavation pits vital for development, but a type of development that can have negative impacts for the community. Consequently, it is the community's policy to become part of the review process before the Department of Community Affairs issues a permit for an excavation pit.

E. Institutional and Recreational Land Use

Until recently, local churches comprised the institutional land in Miltonvale Park. The Sleepy Hollow Correctional Institute now provides a very different dimension to institutional land use in the community, especially being a major landowner in the community. The institution's programs related to woodlot management and wildlife development will enhance the environmental aspects of the policies of this Plan.

The absence of a school in Miltonvale Park led the Community Improvement Committee and the neighbouring Community Improvement Committee of Winsloe to approach the Provincial Government regarding the location of a new school in Winsloe. The purpose was to try and bring the educational facilities closer to the students living in Winsloe and Miltonvale Park.

The emphasis on public land uses in the community is mainly related to land for both passive and active recreational activities. The community need is to accumulate land for recreational areas; e.g., the community hall, playgrounds, ballfields, etc., and raise community funds to develop facilities.

POLICY #1: It is the community's policy to require a cash payment of $50.00 for each of the approved lots in a subdivision, three to five lots in size. All funds shall be designated for the purchase/maintenance of park and recreational facilities.

F. Natural Area

The community recognizes the significance of natural systems such as streams, wetland

areas and woodland to maintaining a condition of health and well-being in Miltonvale Park. For example, streams help to determine the quantity and quality of a community's water resources and nurture wetlands that provide breeding, maturing and feeding areas for wildlife. Community development, whether it be residential, industrial, commercial or agricultural, can alter not only the physical character of a natural area, but completely change its function. Poor construction practices can increase sedimentation and seriously damage streams along with reducing ground water supplies.

Settlement development can generate chemical and bacteriological pollution of streams and ground water supplies through chemical, and fertilizer spills, landfill sites, garbage dumps, and septic tank malfunctions.

Considering the above, the community has a responsibility to try to limit the negative impacts on natural areas of the community resulting from future development.

The community is concerned with preserving the natural function of the stream complexes and wetland areas.

POLICY #1: It is the community's policy to create a seventy-five foot buffer zone along streams (identified on Map 4), except where intensive livestock buildings are proposed; these buildings must remain at least 300 feet from the watercourse. The development of land more than 75 feet from the stream may be determined by the Community Improvement Committee if the character of the land requires more cautious development.

The purpose of Policy #1 is to protect the adjacent land from erosion damage and protect the natural area from harmful effects of run-off from the land along with maintaining the area for wildlife.

POLICY #2: The community will permit only those activities that pose no threat to the stream systems and wetlands. Only such uses as agriculture, outdoor recreation, nursery gardening, forestry, and the conservation of soil or wildlife will be permitted.

Alteration of a stream system and wetland is another important element of the preservation of those natural areas.

POLICY #3: It is the community's policy to prohibit filling in of streams or dumping into streams; consequently, the Community Improvement Committee will not permit developments that will cause stream or wetland alteration.

The community feels that establishing buffer zones and restricting development in these

MILTONVALE PARK

COMMUNITY IMPROVEMENT COMM.

BUFFER ZONE FOR STREAMS AND WETLANDS

zones will help preserve streams and wetlands. The community's emphasis will be on permitting development that is compatible with protecting the natural area and its function.

POLICY #4: It is the community's policy to set conditions where it feels necessary to protect streams and wetlands before a building permit or subdivision approval is given.

In addition to the natural wetland areas, the community recognizes the importance of woodland to help other natural areas perform their function. For example, woodlands protect watersheds and soil by increasing ground water filtration and decreasing runoff along with providing a habitat for wildlife.

POLICY #5: The Community Improvement Committee discourages tree cutting in Miltonvale Park without a program of tree planting.

The Committee recommends to anyone wishing to carry on tree cutting that before they begin they contact the Department of Agriculture and Forestry regarding woodland management techniques and available forest management assistance.

ADOPTING THE LAND USE PLAN

The Official Plan for the Community Improvement Committee of Miltonvale Park followed a ten-step process under the Planning Act.

STEP 1: After the land use plan was created, the Planning Board approved the plan for purposes of a public hearing. The Board approved the plan on and a two (2) week public notice was made in the media.

STEP 2: The public meeting was held on giving the residents of the community opportunity to consider, evaluate, and comment on the plan.

STEP 3: Adjustments and alterations to the plan suggested at the public meeting were considered and the plan was revised by the Planning Board.

STEP 4: The Planning Board approved the revised plan by majority vote on

STEP 5: The plan was submitted by the Planning Board to the Community Improvement Committee on

STEP 6: The Community Improvement Committee made notice to the residents of its intention to review the plan.

STEP 7: The Committee made the plan available for inspection by interested residents for a period of two weeks.

STEP 8: The Committee considered the objections and suggested alternatives to the plan, and made the necessary revisions.

STEP 9: On June 23, 1981, the Committee adopted the plan by majority vote.

STEP 10: The Committee submitted the plan to the Land Use Commission for its approval.

LAWS OF PRINCE EDWARD ISLAND

Planning Act

Miltonvale Park Development Regulations

Amendment to Regulations

Charlottetown:
G. William K. Auld, Queen's Printer
1982

NOTICE

RELATING TO THE

(PLANNING ACT)

MILTONVALE PARK DEVELOPMENT REGULATIONS

(No. EC843/82)

ERRATUM AND CORRIGENDUM

1. Order-in-Council No. EC843/82 (captioned Planning Act, Miltonvale Park Development Regulations) was made by the Lieutenant Governor in Council on the 2nd day of December 1982, and a typeset version of that Order, Certified a True Copy, appeared in the Royal Gazette of 11 December 1982. The version in the Royal Gazette contained the following errors in section 1.

   1.1 In clause 418(b), the word "indensity" appeared, instead of the word "intensity", AND

   1.2 In clause 418(f), the following words were ommitted after the words "water system": "a regional commercial development greater than 50,000 square feet of gross leaseable area or entail more than three acres of land."

2. The errors occurred in the transcription of Order-in-Council No. EC843/82 from original form to the typeset version which appeared in the Gazette.

3. Notice is hereby given that the true copy of the Order of the Lieutenant Governor in Council No. EC843/82 reads as follows:

   418(b) "development" means the carrying out of any building, engineering, excavation or other operations in, on, over, or under land, or the making of any material change in the use of the intensity of use of any land, buildings or premises;

   418(f) "regional development" means an industrial development greater than 50,000 square feet in which it is proposed to employ more than 50 persons or which will produce an air or water borne effluent other than domestic sewage or which involves a subdivision of land or the extension of a sewer and water system, a regional commercial development greater than 50,000 square feet of gross leaseable area or entail more than three acres of land.

DOUGLAS B. BOYLAN
Clerk of the Executive Council

No. EC843/82

PLANNING ACT

MILTONVALE PARK DEVELOPMENT REGULATIONS

(Approved by His Honour the Lieutenant Governor in Council dated 2 December 1982.)

Under authority of section 46 of the Planning Act (R.S.P.E.I. 1974, Cap. P-6) Council made the following regulations:

1. The Planning Act Regulations (EC601/77) are amended by the addition of the following as Part XIX:

PART XIX

MILTONVALE PARK DEVELOPMENT REGULATIONS

Title

416. The regulations in this Part shall be known as the Miltonvale Park Development Regulations.

Application of Part XIX

417. The regulations in this Part apply to the georgraphical area within which the community improvement committee of Miltonvale Park has jurisdiction.

Definitions

418. In this Part

(a) ''committee'' means the community improvement committee of Miltonvale Park;

(b) ''development'' means the carrying out of any building, engineering, excavation or other operations in, on, over or under land, or the making of any material change in the use or the indensity of use of any land, buildings or premises;

(c) ''intensive livestock building'' means a feedlot, piggery, dairy or building used for the raising of poultry;

(d) ''livestock building'' means any structure having a roof supported by columns or walls, intended for the shelter or housing of livestock;

(e) ''major development'' means a development involving the subdivision of three to five lots, a mobile home court, the erection of any commercial, industrial, intensive livestock, institutional or recreational building (excluding agricultural buildings) or any development which, in the opinion of the committee, may occasion a general nuisance, by way of odours, pollution, excessive traffic, noise or other disturbance;

(f) "regional development" means an industrial development greater than 50,000 square feet in which it is proposed to employ more than 50 persons or which will produce an air or water borne effluent other than domestic sewage or which involves a subdivision of land or the extension of a sewer and water system.

Development control

419. (1) No development is permitted except in conformity with this Part and upon the issue of a building permit, subdivision approval or other approval by the committee of an application.

Conditions

(2) The committee may attach conditions to any building permit or approval.

General purposes

420. The general purposes of this Part are:

(a) to help keep agriculture as the primary land use by controlling haphazard and unplanned development;

(b) to help ensure new developments complement and are compatible with existing agricultural, residential, commercial, industrial and institutional land uses;

(c) to minimize pollution and environmental degradation;

(d) to help make Miltonvale Park an enjoyable and safe place to live, work and visit.

Specific purposes

421. The specific purposes of this Part are:

(a) to control the subdivision of land by confining residential subdivision to small subdivisions (no greater than 5 lots) and by permitting 5 lot subdivisions and strip development on some roads while limiting the ability to create building lots on other roads;

(b) to strictly limit access to Route 2 in order to preserve it for the efficient movement of people and goods and to protect the health and safety of the travelling public;

(c) to protect the natural environment by prohibiting encroachment of new developments, waste disposal systems and agricultural livestock buildings within 75 feet of any natural water course or a greater distance based on acceptable environmental principles.

ADMINISTRATION

Inspection and enforcement

422. The committee is responsible for the administration and enforcement of this Part, and an inspector authorized by the committee may, at any reasonable time, enter upon lands for which development or subdivision approval has been granted

and may carry out such inspections and conduct such tests as the committee deems necessary to determine that the development or subdivision is being done in accordance with the terms of approval.

Reference to other authorities

423. The committee or the clerk of the committee may refer any application to staff of the Department of Community and Cultural Affairs and Charlottetown Area Regional Planning Board to review building permit applications, carry out site inspections, and conduct inspections of sewage disposal systems.

Regional developments, reference to CARPB

424. The committee shall refer all applications for regional developments for the advice and recommendation of the Charlottetown Area Regional Planning Board.

Soil tests

425. The committee may require a soil test of the development site if a problem with the drainage of the area or capability of the land for septic tank use is suspected.

Minor variance

426. (1) The committee may authorize a minor variance not exceeding 10 per cent from the provisions of this Part, if desirable and appropriate, and in the opinion of the committee the general intent and purpose of this Part are maintained.

Agricultural development, minor variance

(2) For any agricultural development including an intensive livestock building, the committee may authorize a variance exceeding 10 per cent if residents living within 1,000 feet of the site of the proposed development are notified of the committee's intent to grant such a variance. Comments shall be received by the committee from the residents for a period not exceeding two weeks from the date of notification.

Record of authorization

(3) Authorization of any variance shall be documented and recorded in writing by the committee.

Disposition of application

427. (1) The committee may

(a) approve;

(b) approve with conditions;

(c) defer for 30 days or in the case of a regional development for 12 months; or

(d) refuse

an application and shall advise the applicant in writing of its decision within 30 days of receipt of the application.

Reasons

(2) Where an application is refused or deferred, the committee shall advise the applicant in writing of the reasons therefor.

MAJOR DEVELOPMENT

Notice

428. (1) In respect of any major development the committee shall notify adjacent landowners of the proposal and request comments.

Public meeting

(2) The committee may, at its discretion, call a public meeting of residents for the purpose of hearing briefs or opinions supporting or objecting to a major development.

Advertisement

(3) Where the committee determines to hold a public meeting it shall give two notices of the public meeting by advertisement in a local newspaper; the first advertisement to appear two clear weeks before the date of the meeting.

Contents of advertisement

(4) Notice of a public meeting under subsection (3) shall contain the nature and location of the proposed major development and the date of the meeting.

Intensive livestock operation, notice to property owners

(5) Where the committee considers a development to be an intensive livestock operation, the committee shall notify residential property owners within 1,000 feet of the boundary of the property where the operation is to be located and invite their comments on the proposal.

Residential subdivision, notice to intensive livestock operators

(6) Where a residential subdivision is proposed, the committee shall notify operators of an intensive livestock operation within 1,000 feet of the boundary of the property where the subdivision is to be located and invite their comments on the proposal.

Request for meeting

(7) Any resident may request the committee to hold a public meeting.

Special conditions for approval

429. (1) Notwithstanding any other provisions of this Part, before a proposal for a major development is approved, the committee may set special conditions for approval regarding

(a) type of activity to be carried on;

(b) lot size;

(c) method of waste disposal;

(d) parking facilities;

(e) accesses to roads and highways;

(f) limitation of detrimental effects on the environment that may result from the development; and

(g) reduction of unsafe or hazardous traffic conditions that may result from the development.

Breach of conditions

(2) Where a development or subdivision proposal is for a major development, the committee may deny the building permit or the application to subdivide land if the applicant does not agree to the special conditions, or revoke the building permit or the subdivision approval if the special conditions are not met.

Statement of special conditions

(3) Special conditions shall be contained in the letter of approval from the committee and on the building permit or plan of subdivision.

BUILDING PERMITS

Developments requiring building permit

430. Any person proposing to undertake the following development shall apply to the committee for a building permit:

(a) any new construction or replacement of an accessory or principal structure;

(b) any exterior or interior renovation which would result in the creation of an additional dwelling unit including extensions and alterations to the existing dwelling;

(c) any exterior or interior renovation including extensions and alterations that would infringe on standards set by those regulations applying to the location of a building on a lot.

Application forms

431. Application for building permits shall be made on forms approved by the committee.

Frontage on main road

432. (1) Subject to subsection (2), all lots shall have a frontage on a public road or highway.

Exceptions

(2) The committee may approve the subdivision of a lot which does not have frontage on a public road if

(a) the distance of the lot from any existing public road is in excess of one hundred and fifty feet;

(b) access to a public road is by way of a legally defined access driveway at least twenty-four feet in width and used solely for the purpose of ingress or egress to the lot;

(c) the lot size conforms to the requirements of this Part; and

(d) the lot is not adjacent to a lot that does not have frontage on a public road.

One main building per lot

(3) Not more than one main building shall be permitted on a lot unless approved by the committee and reasons for approval clearly documented.

Diagram

433. An application for a building permit shall be accompanied by a diagram showing

(a) the boundaries of the lot;

(b) existing and proposed buildings;

(c) the distance between buildings;

(d) the distance to property lines and centre of road;

(e) the location of the driveway, well, design of septic tank and tile field; and

(f) by arrows which way the land slopes.

Conditions for grant of building permit

434. The committee shall not issue a building permit unless it is satisfied that

(a) the soil and drainage conditions of the development site are suitable for the proper siting of the buildings, septic tank and tile field or other type of sewage disposal system;

(b) the applicant has made suitable arrangements for a private well, septic tank and tile field or other type of sewage disposal system;

(c) traffic hazards will not develop because of excessive traffic generation or limited sight distance of new accesses;

(d) a permit for sewage disposal system has been issued by the Department of Community and Cultural Affairs; and

(e) the development will not

(i) create obnoxious odours or cause water borne pollution,

(ii) cause any serious inconvenience to residents in the vicinity or the travelling public.

Standards

435. The committee shall not issue a building permit for a livestock building, single family dwelling, mobile home, duplex dwelling, commercial development, industrial development, institutional development, or intensive livestock building unless the lot or building conforms with the requirements set out in Table A. Where a building has been constructed on or before this Part comes into force on a lot having less than the minimum frontage or area, or having less than the minimum setback or side yard or rear yard required by this Part, the building may be enlarged, reconstructed, repaired or renovated if

(a) the enlargement, reconstruction, repair or renovation does not further reduce the front yard, side yard or rear yard that does not conform to the requirements set out in Table A; and

(b) all other applicable provisions of this Part are satisfied.

Multiple family dwellings

436. The committee shall not issue a building permit for a multiple family dwelling.

Mobile homes

437. (1) No person shall, except in the case of a mobile home court, place a mobile home upon a lot without first receiving a building permit issued by the committee.

Idem

(2) A mobile home may be located on a lot in a subdivision if

(a) the subdivision plan is clearly marked that aproval was given for both single family dwelling and mobile home use or mobile home use only; and

(b) the committee is satisfied that all property owners within the subdivision do not object and that its location will not have a detrimental effect on the subdivision;

Objections

(3) Objections by the property owners shall be submitted to the committee in writing.

Mobile home courts

438. Sections 56 to 66 of Part VII of the regulations apply with respect to the establishment of a mobile home court.

Use of residential dwelling for commercial activity

439. Nothing in this Part prevents the use of a residential dwelling for a commercial business or professional purposes subject to the following conditions:

(a) the dwelling to be used is occupied as a residence by the principal operator and the external appearance of the dwelling is not changed by the use;

(b) there are not more than two assistants who are not resident in the dwelling employed in the commercial business or profession;

(c) not more than 25 per cent of the total floor area of the dwelling is occupied by the commercial business or professional use;

(d) adequate off-street parking separate from that required for the dwelling is provided;

(e) there is no open storage and no outdoor display unless the display is attached to the exterior wall of the dwelling.

Commercial, industrial, institutional or recreational development proposals

440. (1) The committee shall not issue a building permit for a commercial, industrial, institutional or recreational development if in the opinion of the committee

(a) the proposed development does not conform to this Part;

(b) the method of waste disposal is not appropriate;

(c) there is not a safe and efficient access to the public road or highway;

(d) the impact of the proposed development would be detrimental to the environment;

(e) the proposed development would create unsafe traffic conditions; or

(f) the proposed development would be detrimental to the convenience, health or safety of residents in the vicinity or the general public.

Major developments

(2) For the purposes of this Part, all commercial, industrial, institutional and recreational developments are major developments except for a commercial business or professional activity locating in a residential dwelling.

Accessory buildings

441. Accessory uses, buildings and structures are permitted but shall not

(a) be used for human habitation except where a mobile home is placed as an accessory building on a farm;

(b) be located within the front yard of a lot except where the accessory use, building or structure is on a farm;

(c) be considered an accessory building if attached to the main building;

(d) be considered an accessory bulding if located completely underground;

(e) be placed less than three feet from side and rear lot lines;

(f) be a maximum height of 35 feet except for church spires, water tanks, silos, flagpoles, windmills, lighting standards, television or radio antannae, ventilators, skylights, chimneys or utility poles; and

(g) be used for business purposes.

Parking requirements

442. (1) For every building or structure, parking facilities off a public road shall be provided and maintained in accordance with the following requirements:

Type of Building	Parking Required
Single family and duplex dwelling	1 parking space for each unit
Hotel, motel and other accommodation	1 parking space per guest room
Auditorium, theatre, church or hall	1 parking space per each 6 seats
Business and professional offices	1 parking space for each 100 square feet of retail or office space
Commercial and industrial buildings, warehouse and storage facilities	1 parking space for each 100 square feet of retail or commercial floor area, and 1 parking space for each employee.

Idem

(2) Where parking facilities for more than four vehicles are required or permitted,

(a) every parking space shall have minimum dimensions of 10 feet by 20 feet and shall have access to a clear maneuvering lane at least 20 feet in width;

(b) the parking areas shall be within 300 feet of the building which they are intended to serve.

Existing vacant lots not complying with standards

443. Notwithstanding any other provision of this Part, a vacant lot held in separate ownership from adjoining parcels on the date on which this Part comes into force, having less than the minimum frontage or area required, may be used for development and a building may be constructed on the lot provided that all other applicable provisions in this Part are satisfied.

Relocation of buildings

444. No building, residential or otherwise,shall be moved within or into the area covered by this Part without a building permit.

Restoring and strengthening buildings

445. Nothing in these regulations shall prevent the strengthening or restoring to a safe condition of any building or structure.

SUBDIVISION OF LAND

Subdivision application required

446. Any person proposing to subdivide any land within the area covered by this Part shall make applicaton for approval of the subdivision to the committee.

Plan of subdivision required

447. (1) No person shall develop or lay out a subdivision in any area in which this Part applies until a plan is submitted and approved by the Committee.

Preliminary plan

(2) Every subdivider shall submit a preliminary plan consisting of a subdivision plan drawn to scale showing

(a) the shape and dimension of the lot or lots;

(b) the location of every existing building or structure on the parcel;

(c) the name and signature of the landowner or the name and signature of the applicant, if not the owner;

(d) proposed widths and location of all streets.

Additional requirements

(3) The subdivider may also be required to provide

(a) contours or spot elevations;

(b) an indication of general soil conditions;

(c) a soils test on the site; and

(d) existing use of the land and immediately adjacent property showing buildings, fields, streams, rivers, swamps, wooded areas, and areas subject to flooding.

Grounds for denial of approval

448. Notwithstanding any other provisions of this Part, the committee may deny approval of a subdivision if, in the opinion of the committee,

(a) the topography and physical characteristics of the land and soil are not suited to the purpose for which subdivision is intended;

(b) surface drainage and potential flooding or erosion makes the land unsuitable for the intended purpose;

(c) the subdivision would create a serious inconvenience and unsafe traffic flow;

(d) the subdivision would create undue damage to the environment; or

(e) utilities and services are inadequate and it would be uneconomical to provide essential services.

Application of Part XIV

449. (1) Notwithstanding any other provisions of this Part, Part XIV of these regulations shall apply to applications for the subdivision of land in the geographical area within which the Community Improvement Committee of Miltonvale Park has jurisdiction.

Reference to CARPB

(2) All subdivision applications and plans shall be referred to the Charlottetown Area Regional Planning Board for recommendation.

Maximum number of lots

450. No person shall be permitted to subdivide from any existing parcel more than five lots.

Surveys

451. Prior to final approval, all corners of the lot in a subdivision shall be pinned by a qualified land surveyor.

Final approval required before conveyance

452. No lot of a subdivision shall be conveyed until the committee gives final approval.

Lot size

453. No person shall diminish the size of any lot below the size prescribed in this Part.

Access driveways

454. No person shall change the use of any access driveway to a more intensive use without the evaluation and approval of the committee.

Access sight distance standards

455. No person shall construct or use any access driveway except where that access driveway meets the minimum sight distance standards set out in Schedule C to Part II.

Lots permitted an access driveway

456. (1) Along any road or highway within the community improvement area, any parcel of land which is

(a) an existing parcel of land;

(b) a farm; or

(c) a lot created in conformity with the requirements imposed by this Part shall be deemed to have an access driveway if there is no reasonable access available.

Exceptions

(2) Notwithstanding the provision of subsection (1) along Highway Route 2

(a) only one lot shall be severed from an existing parcel and no person shall sever a lot unless a dwelling is to be constructed on the lot and is to be served by the existing farm home access driveway;

(b) along the following highways:

Highway 7	Rustico Road
Highway 9	Colville Road
Highway 224	Glasgow Road
Highway 248	Milton Road

(i) no person shall sever a lot unless

(A) the existing parcel of land from which the lot is severed has a frontage of at least 200 feet,

(B) the lot to be severed is in conformity with the requirements imposed by this Part,

(ii) no person shall sever two to five lots unless

(A) the existing parcel of land from which the lots are severed has a frontage of 20 chains or more; in which case, one lot may be severed in respect of each 10 chain interval, or

(B) a subdivision road is prepared to serve five lots;

(c) along the following highways:

Highway 236	Lower Malpeque Road
Highway 256	Loyalist Road
	Sleepy Hollow Road
	Hurry Road
	Crabbe & MacKenzie Roads

no person shall sever a lot unless

(i) the existing parcel of land from which the lot is severed has a frontage of at least 200 feet,

(ii) the lot to be severed is in conformity with the requirements imposed by this Part,

(iii) a subdivision road is prepared to serve five lots.

Use

457. The committee shall assign a use in respect of each lot on the approved plan of subdivision.

458. For any application for subdivision of three to five lots, the committee shall require a cash payment of $50.00 for each of the approved lots in the subdivision before the subdivision receives final approval, and such funds shall be designated for the purchase and maintenance of parks and recreational facilities. Parks and recreation facilities

CHANGE OF USE

459. Any person proposing to make a material change in the use or the intensity of the use of any land, building or premises shall apply to the committee for approval. Change of use

EXCAVATION PITS

460. (1) The committee may review applications for temporary and permanent excavation pits referred to the committee by the Department of Community and Cultural Affairs and make recommendations to the Department. Excavation pits

(2) The committee may call a public meeting to hear comments and objections on application for an excavation pit. Public meeting

461. (1) Before an amendment is made to this Part, the committee shall insert an advertisement giving notice of its intention to do so at least once a week for two successive weeks in a newspaper published or circulating in the area affected. Notice of amendments

(2) The notice shall state the place where, and the hours during which, the proposed amendment may be inspected by any interested person, and a time and place set for the consideraton of objections by the committee. *Idem*

462. An appeal lies to the Land Use Commission against a decision of the committee under this Part. Appeals

463. Failure to comply with this Part constitutes an offence under Part IV of the *Planning Act*. Offence

464. Nothing in this Part exempts any person from complying with the requirements of any other regulation in force within the area to which this Part applies or from obtaining any license, permission, permit, authority or approval required by law. Saving for other laws

2. These regulations come into force on 11 December 1982. Commencement

TABLE A

STANDARDS	TYPE OF DEVELOPMENT							
	LIVESTOCK BUILDING**	SINGLE FAMILY DWELLING/ MOBILE HOME	DUPLEX DWELLING	COMMERCIAL	INDUSTRIAL	INSTITUTIONAL	SEPTIC TANK AND TILE FIELD LOCATION
Minimum Lot Area	43,560 sq. ft.	20,000 sq. ft.	30,000 sq. ft.	20,000 sq. ft.	20,000 sq. ft.	20,000 sq. ft.	
Minimum Lot Frontage	100 ft.	100 ft.	100 ft.	100 ft.	100 ft.	100 ft.	
Minimum Front Yard	100 ft.	50 ft.	50 ft.	100 ft.	100 ft.	100 ft.	
Minimum Rear Yard	50 ft.	25 ft.	25 ft.	35 ft.	35 ft.	35 ft.	
Minimum Side Yard	30 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	
Maximum Height of Building		2½ Storeys	2½ Storeys	2½ Storeys	2½ Storeys	35 ft.	
Maximum Retail Floor Area				1,000 sq. ft.			
Minimum Distance from Any Domestic Well (Adj. Prop.)	75 ft.* or greater as det. by CIC						
Minimum Distance from the High Water Mark of the Nearest River, Stream or Other Water-course	75 ft.* or greater as deter-mined by the C.I.C.	75 ft.* or greater as determined by the C.I.C.	75 ft.* or greater as deter-mined by the C.I.C.	75 ft.* or greater as deter-mined by the C.I.C.	75 ft.* or greater as deter-mined by the C.I.C.	75 ft.* or greater as determined by the C.I.C.	75 ft.* or greater as determined by the C.I.C.
Separation Distance from an Intensive Live-stock Building		On Adjacent Property 300 ft.	On Adj. Property 300 ft.	On Adj. Property 300 ft.	On Adj. Property 300 ft.	On Adjacent Property 300 ft.	

*The Community Improvement Committee may require the development to be located more than 75 feet from the high water mark if: (a) the topography and physical characteristics of the land and soil are not suited to the purpose for development, (b) surface drainage and potential flooding or erosion makes the land unsuitable for the intended development, (c) the development would create undue damage to the environment.

**The Community Improvement Committee shall require any manure storage area for a livestock building to be located in the rear yard if it is located less than 150 feet from a public road.

Certified a true copy,

DOUGLAS B. BOYLAN
Clerk of the Executive Council